

In re Application of:

HIROSHI SATO

Application No.: 09/300,845

Filed: April 28, 1999

For: PROJECTION EXPOSURE APPARATUS  
AND DEVICE MANUFACTURING  
METHOD USING THE SAME



Docket No.: 684.2834

Examiner: H. Lee

Group Art Unit: 2877

Date: December 20, 2000

The Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is a Response To Restriction Requirement in the  
above-identified application.

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☒ No additional fee is required.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	8	MINUS	20	= 0	x \$ 9 \$18	\$0.00
INDEP. CLAIMS	1	MINUS	3	= 0	x \$40 \$80	\$0.00
Fee for Multiple Dependent claims \$135/\$270						--
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$0.00

- ☐ Verified Statement claiming small entity status is enclosed, if not filed previously.
- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Charge \$\_\_\_\_\_ to Deposit Account No. 06-1205. A duplicate of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the Extension fee for response within \_\_\_\_ months is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.



Attorney for Applicant  
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SEW:rlc

684.2834



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
HIROSHI SATO ) : Examiner: H. Lee  
Application No.: 09/300,845 ) : Group Art Unit: 2877  
Filed: April 28, 1999 ) :  
For: PROJECTION EXPOSURE ) : December 20, 2000  
APPARATUS AND DEVICE :  
MANUFACTURING METHOD )  
USING THE SAME :

The Commissioner for Patents  
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicant respectfully traverses the restriction requirement set forth in the Office Action dated November 21, 2000.

In the Office Action, the Examiner sets forth a restriction requirement between two groups of claims. Group I, claims 1 through 7, is directed to a projection exposure apparatus, classified in class 356, subclass 401. Group II,

claim 8, is directed to a method of manufacturing a device, classified in class 438, subclass 694.

The Examiner contends that the inventions of Groups I and II are patentably distinct because they are related as product and process of use, and because they have acquired a separate status in the art based on different classification, such that the fields of search are not coextensive, requiring separate examination. These contentions are respectfully traversed.

Applicant notes that the invention of Group I relates to a projection exposure apparatus (i.e., an apparatus), while the invention of Group II relates to a device manufacturing method (i.e., a method of manufacture). These inventions, therefore, certainly cannot be characterized as being related as "product" and "process of use" as asserted by the Examiner.

Applicant further notes that the inventions of Groups I and II are so closely related in the field of projection exposure that a proper search of any of the claims would, of necessity, require a search of the others. In fact, claim 8 includes all of the features of independent

claim 1. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicant further submits that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicant's overall invention is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicant's invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.

In the interest of economy, for the Office, for the public-at-large and for Applicant, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects, with traverse, to prosecute the invention of Group I, namely claims 1 through 7.

Favorable consideration and an early passage to issue are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,



Attorney for Applicant  
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SEW:rlc